

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: NEWTON, Edward R.

SERIAL NO.: 10/672,355

ART UNIT: 3652

FILED: September 29, 2003

EXAMINER: Chin, P.T.

TITLE: DEVICE FOR HOLDING MULTIPLE BEVERAGE CONTAINERS

AMENDMENT "B"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of April 7, 2005, having a response being due by July 7, 2005, please consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 21 - 25 have been canceled and new Claims 26 - 29 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the application into a proper condition for allowance.

In the Office Action, it was indicated that the Claim 25 was rejected under 35 U.S.C. § 102(b) by the Bradley patent. Claim 25 was also rejected under 35 U.S.C. § 102(b) as anticipated by the Emery patent. Claims 21 - 25 were further rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Additionally, the drawings were objected to because the "height of the first,

second and third support elements appears to be too short” in comparison with the illustrations of Figures 2 - 4. Importantly, the Examiner has indicated that Claim 21 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. Additionally, it was indicated that Claims 22 - 24 would also be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Although Applicant respectfully disagrees with the Examiner with respect to the prior art rejections, Applicant is desirous of securing patent protection for the present invention at an early date. As such, Applicant has placed those “objected to” claims into a proper form for allowance. Applicant has also canceled the previous Claim 25 herein.

Specifically, new independent Claim 26 incorporates the limitations of previous independent Claim 21. Instead of using the term “peripheral edge”, Applicant has specifically defined the edge as a “curved front edge”. This is contrast to the “curved back edge”. Applicant has also inserted the term “having” in place of “being of” in line 4 of previous independent Claim 21. As such, Applicant believes independent Claim 26 is now in a proper condition for allowance. Dependent Claims 26 - 29 correspond to the limitations of previous dependent Claims 22 - 24. The dependencies now relate back to the independent Claim 26. Applicant has revised the language of dependent Claim 27 to recite “front edge” instead of the indefinite “curved edge”.

Applicant has revised Figure 1 so as to show the support members as having greater length than that which is previously recited. In particular, on the new Replacement Sheet, each of the support elements is shown as having a much greater length so as to conform the illustration with the

illustrations of Figures 2 - 4. Applicant will submit more proper formal drawings upon through receipt of a Notice of Allowance in this case.

Based upon the foregoing analysis, Applicant contends that independent Claim 26 is now in proper condition for allowance. Additionally, those claims that are dependent upon Claim 26 should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

6-22-05
Date


John S. Egbert
Reg. No. 30,627
Andrew W. Chu
Reg. No. 46,625
Attorney for Applicant
Egbert Law Offices
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 fax



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: NEWTON, Edward R.

SERIAL NO.: 10/672,355

ART UNIT: 3652

FILED: September 29, 2003

EXAMINER: Chin, P.T.

TITLE: DEVICE FOR HOLDING MULTIPLE BEVERAGE CONTAINERS

AMENDMENT "B"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Amendment B: DRAWING AMENDMENTS

Please substitute the enclosed Replacement Sheet of Fig. 1 for the originally submitted drawing.